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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,271	08/20/2003	Martin Nowak	175.7903USU	5167

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EXAMINER

NGUYEN, TUAN N

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,271

Applicant(s)

NOWAK ET AL.

Examiner

Tuan N. Nguyen

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/28/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Winship.

Winship discloses a ball valve capable of being used for fuel aggregates comprising a housing (12,14) having an outlet channel and an inlet channel; a substantially spherical switching element (see figures) arranged between the inlet channel and the outlet channel (see Fig. 2), the inlet channel being able to be connected with the outlet channel or a connection being able to be interrupted by actuating the switching element, and a sealing element (24 or 30) contacting the switching element, wherein the sealing element comprises two sealing lips (annular face seals 36) each of which would inherently contact the switching element along a circular line (see Fig. 2). The sealing element further comprises a foot part (about where 22 is pointing) for being arranged in the housing, a head part comprising the sealing lips (36), and an elastic web part (about where 24 is pointing) integrally connecting the foot part

Art Unit: 3751

with the head part, the web part would inherently have a smaller cross section (about where ring 34 seated) in comparison with the foot part and/or head part. An annular recess (about where 36 is pointing) open toward the switching element is provided between the two sealing lips. At least one sealing lip has a pressing surface so that the sealing effect is improved when pressure appears. The ball valve further comprises a stop element (the flange about where 26 is pointing where the sealing member is seated) for restricting the axial displaceability of the switching element. The ball valve further comprises a clamping ring (34) for fixing the position of the sealing element in the housing. The clamping ring and/or the sealing element are integrally formed. The sealing element and/or said stop element are integrally formed.

3. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Rawstron.

Rawstron discloses a ball valve capable of being used for fuel aggregates comprising a housing (see Fig. 1) having an outlet channel and an inlet channel; a substantially spherical switching element (20) arranged between the inlet channel and the outlet channel, the inlet channel being able to be connected with the outlet channel or a connection being able to be interrupted by actuating the switching element, and a sealing element (19) contacting the switching element, wherein the sealing element comprises two sealing lips (about 19a, 19c, see Fig. 3) each of which would inherently contact the switching element along a circular line (see Fig. 2). The sealing element further comprises a foot part (see Fig. 3, the part below where 19 is pointing and seated at the corner) for being arranged in the housing, a head part comprising the sealing lips

(about 19a, 19c, see Fig. 3), and an elastic web part (about where 19 is pointing) integrally connecting the foot part with the head part, the web part would inherently have a smaller cross section (taking along the line between 31 and 32, see Fig. 3) in comparison with the foot part and/or head part. An annular recess (19f) open toward the switching element is provided between the two sealing lips. At least one sealing lip has a pressing surface so that the sealing effect is improved when pressure appears. The ball valve further comprises a stop element (the recess where 19 is seated, see Fig. 3) for restricting the axial displaceability of the switching element. The ball valve further comprises a clamping ring (31 or 32) for fixing the position of the sealing element in the housing. The clamping ring and/or the sealing element are integrally formed. The sealing element and/or said stop element are integrally formed.

4. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kemp.

Kemp discloses a ball valve capable of being used for fuel aggregates comprising a housing (see Fig. 1) having an outlet channel and an inlet channel; a substantially spherical switching element (40) arranged between the inlet channel and the outlet channel, the inlet channel being able to be connected with the outlet channel or a connection being able to be interrupted by actuating the switching element, and a sealing element (see Figs. 4 and 5) contacting the switching element, wherein the sealing element comprises two sealing lips (about 116 and 120) each of which would inherently contact the switching element along a circular line (see Fig. 5). The sealing element further comprises a foot part (where 110 is pointing) for being arranged in the

Art Unit: 3751

housing, a head part comprising the sealing lips (about 116 and 120), and an elastic web part (about where 126 is pointing) integrally connecting the foot part with the head part, the web part would inherently have a smaller cross section (taking along the line between T1, see Fig. 4) in comparison with the foot part and/or head part. An annular recess (space about 113) open toward the switching element is provided between the two sealing lips. At least one sealing lip has a pressing surface so that the sealing effect is improved when pressure appears. The ball valve further comprises a stop element (about 108) for restricting the axial displaceability of the switching element. The ball valve further comprises a clamping ring (106) for fixing the position of the sealing element in the housing. The clamping ring and/or the sealing element are integrally formed. The sealing element and/or said stop element are integrally formed.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Furthermore, Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 3/28/05 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


Art Unit: 3751

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tuan Nguyen
Primary Examiner
Art Unit 3751
4/3/05

TN